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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,596	01/20/2000	Todd R. Collart	68626/8017	6028
22242 7590 03/06/2008 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER BUI, KIEU OANH T	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 03/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/489,596	Applicant(s) COLLART ET AL.	
	Examiner KIEU-OANH BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34, 36-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to After Final

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive (since the previous action from previous examiner was not mature) and, therefore, the finality of that action is withdrawn (as indicated in the interview summary 01/16/07).

Response to Arguments

2. Applicant's arguments with respect to claims 21-34 and 36-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 21-34 and 36-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al. (U.S. Patent No. 5,977,964).

Regarding claim 21, Williams teaches a method of retrieving information comprising the steps of "receiving content comprising a video image over a first communication channel; receiving a keyword and a first code associated with the video image over a second

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communication channel, wherein the first code preassociated with preselected information relating to the keyword prior to receiving the keyword; bookmarking the keyword; requesting a searching of a network for information relating to the keyword; and receiving the information including the preselected information relating to the keyword”, i.e., while viewing on a current program or show, the user is receiving an option in a popup window for another requests (program or show), and if the user selects for the keyword, that keyword is being searched by the system over the network (as illustrated in Fig. 1 and col. 4/lines 14-44), and the searched programs associated with keywords are presented to the user for viewing (refer to Figs. 3 & 4 and col. 11/line 22 to col. 12/line 7).

For claims 22 and 23, Williams further discloses “displaying the video image; and displaying the keyword” and “displaying the information relating to the keyword” (col. 11/line 49 to col. 12/line 7).

For claim 24, Williams further teaches “displaying the keyword associated with the video image in response to a selection of the video image” (col. 5/line 52 to col. 6/line 24 for an example that Joe enjoys watching his program with an additional window display for supplemental programming related to stock quotes are to be presented – video image-- while still watching news on channel 11).

For claim 25, Williams teaches “wherein the received information relating to the keyword is based upon a user profile” (col. 11/lines 22-47 for keywords is based on user profile).

For claim 26, Williams further teaches “comprising receiving a second code that is a category code included with the keyword; wherein the category code assists in the searching of the network for information relating to the keyword” (col. 10/lines 42-54 as category related to user preferences as science fiction, sports, documentaries etc. are used for searching).

As for claims 27-30, Williams teaches “wherein the video image and the keyword are received over a broadcast medium further comprising the step of displaying the video image”; “selecting the video image”; and “displaying the keyword in response to the selecting of the video image” (see Figs. 3-5 and 8-9, and col. 11/line 22 to col. 12/line 44 again).

As for claims 31-34 and 36, these claims for “a method comprising the steps of: displaying a video image from a local storage medium that was received over a first communication channel; receiving keywords comprising a unique identifier of the storage medium and a title-associated with the video image over a second communication channel; selecting at least a portion of the video image; embedding the keyword in the video image; displaying the keyword associated with the portion of the video image in response to the selecting of the portion of the video image” are rejected for the reasons given in the scope of claims 21-30 as disclosed above, yet not limited to the cited paragraphs from the examiner but also to the entire reference of Williams whether inherently suggested and/or taught therein.

As for claims 37-44 and 45-47, these claims for “a method comprising the steps of displaying a video image that was received over a first communication channel; receiving a keyword and a first code over a second communication channel, wherein the first code is pre associated with preselected information relating to the keyword prior to receiving the keyword; selecting at least a portion of the video image; bookmarking the keyword, and sending over a

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network the bookmarked keyword associated with the portion of the video image in response to the selecting of the portion of the video image” and “a method of retrieving information comprising the steps of: receiving content comprising a video image over a first communication channel; receiving a keyword associated with the video image over a second communication channel, wherein the keyword comprises a first code wherein the first code is pre associated with preselected information relating to the keyword prior to receiving the keyword; receiving a second code relating to the keyword over the second communication channel; initiating a search based on the keyword and the second code; receiving information relating to the keyword and the second code; logging the search; and initiating a subsequent search based on the logged search” are also rejected for the reasons given in the scope of claims 21-30 as disclosed above, yet not limited to the cited paragraphs from the examiner but to the entire reference of Williams whether inherently suggested and/or taught therein.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams et al (US patent 5,945,988) disclose method and apparatus for automatically determining and dynamically updating user preferences in an environment system.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
Feb. 28, 2008